

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE RUSSETTE,

Defendant.

CR-14-79-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 12, 2019. (Doc. 51.) The Defendant waived the 14 day objection period and the right to allocute before the undersigned at the revocation hearing held September 11, 2019. (Doc. 50.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 11, 2019. (Doc. 50.) The United States accused Mr. Russette (Russette) of violating his conditions of supervised release by: 1) failing to report to his probation officer as

directed (7 violations); 2) by using controlled substances (2 violation); 3) by failing to answer truthfully questions asked by his probation officer; 4) by committing other crimes (3 violations); and 5) by consuming alcohol. (Doc. 51 at 2.) Russette admitted to allegations 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15 and 16. (Doc. 50.) The government did not attempt to prove alleged violations 8 and 12. Judge Johnston found that Russette's violations warrant revocation, and recommended a sentence of 6 months in custody, with credit for time served beginning April 10, 2019 to the present, with 30 months supervised release to follow. (Doc. 51 at 4.)

These violations prove serious and warrant revocation of Russette's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 51) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Kyle Russette be sentenced to custody for 6 months, with credit for time served beginning April 10, 2019, with 30 months of supervised release to follow.

DATED this 12th day of September, 2019.



Brian Morris
United States District Court Judge